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09/315,680	05/20/1999	PETER NICHOLLS	7210-000001/	6820

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/315,680

Applicant(s)

NICHOLLS ET AL.

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-68, 71-89 and 99-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68, 71-89 and 99-104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3, 4, 15, 16, 61 and 79 are objected to because of the following informalities:

As per claim 3, line 2, "shipments" should be changed to - -shipment- - for better readability purposes

As per claim 4, line 2, "packages" should be changed to - -package- - for better readability purposes.

As per claim 15, line "shipments" should be changed to - -shipment- - for better readability purposes.

As per claim 16, line 2, "packages" should be changed to - -package- - for better readability purposes.

As per claim 61, the Examiner suggests changing "customers" to - -customers' inputted destinations" for clarity purposes.

As per claim 79, "a" should be inserted before "message" for better readability purposes.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-68, 71-89, 99-104 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As per claims 1-54, line 1, “tool” has been changed to - -system—because it is unclear as to what a tool is when used in this context.

As per claim 1, line 6, “plurality of “ has been inserted before “rate”. Also, on line 8, “plurality of “ has been inserted before “rate”. On line 10, “the rate computation rules” lack clear antecedent basis. On line 11, it is unclear how the logistics management tool comprising at least one client application to interact with the logistics management tool. On line 13, - -plurality of- - has been inserted before “rate”.

As per claim 5, line 2, “client applications” should be changed to - -at least one client application- - since applicant has not previously recited having a plurality of client applications.

As per claim 6, line 2, “adjustments” should be changed to - -adjustment- -.

As per claim 13, line 8, “the rate computation rules” lacks clear antecedent basis. On line 10, - - a - - should be inserted before “user interface” for better readability purpose. On line 16, “a” on both occurrences should be changed to - -said- -.

As per claim 17, line 2, “client applications” should be changed to - -at least one client application- - since applicant has not previously recited having a plurality of client applications.

As per claim 23, lines 1-2, it is unclear as to how “The tool of claim 22 wherein said logistics management tool” is being referred to the “logistics management tool” being recited in the preamble of claim 22 or claim 13. Such a language renders the claim vague and indefinite.

As per claim 32, the Examiner suggests inserting - -rules, regulations and” before “practices” in order to avoid lack of antecedent deficiency in claim 33.

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As per claim 37, it is unclear as to how “the tool of claim 35” is referring to the “logistics management tool”. Such a language renders the claim vague and indefinite.

As per claim 42, line 3, “the rates” should be changed to - a plurality of rates- - in order to avoid lack of antecedent deficiency. Also on lines 4-5, “The rate computation rules” lacks clear antecedent basis. It is unclear how the logistics management tool comprises a client application having a user interface to permit the shipper to interact with the logistics management tool. Such a language renders the claim vague and indefinite.

As per claim 51, lines 1-2, it is unclear how “the tool” comprises an external processing manager for interfacing with the logistics management tool with external databases. Such a language renders the claim vague and indefinite.

As per claim 52, lines 1-2, it is unclear how “the tool” comprises a device manager for interfacing with the logistics management tool with external databases. Such a language renders the claim vague and indefinite.

As per claim 57, line 2, “the predefined request message” lacks clear antecedent basis. Also, on line 4, “the predefined response message” lacks clear antecedent basis.

As per claim 61, the Examiner suggests changing “customers” to - customers’ inputted destinations” for clarity purposes.

As per claim 65, lines 2-3, “the logistics management tool” lacks clear antecedent basis.

As per claim 66, line 2, “the logistics management tool” lacks clear antecedent basis.

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As per claim 71, line 3, “a” before “carrier” should be changed to - -said- - so as to make it clear that the “ a carrier” recited on line 2 is being referred to. Also, on lines 5-6, “a” before “shipper” should be changed to - -said- - so as to make it clear that the “a shipper” recited on line 2 is being referred to.

As per claim 81, lines 1-2, it is unclear how “the tool” comprises an external processing manager for interfacing the logistics management tool with external databases. Such a language renders the claim vague and indefinite.

As per claim 82, lines 1-2, it is unclear how “the tool” comprises a device manager for interfacing the logistics management tool with external databases. Such a language renders the claim vague and indefinite.

As per claim 87, lines 1-2, “the computer processes” lacks clear antecedent basis.

As per claim 99, line 8, “said registrar” lacks clear antecedent basis. Also on lines 15-16, “said registrar” lacks clear antecedent basis.

As per claim 103, lines 2-3, “the package” lacks clear antecedent basis.

### ***Allowable Subject Matter***

3. The prior art taken alone or in combination failed to teach or suggest at least one supervisory server for integrating operations of the rate servers, the rate servers having a shipper interface means for defining a set of operations representing the procedures by which the shipper ships goods to thereby isolate the set of operations by which a shipper ships from the rules by which a carrier transports taken in combination with a logistics management system to facilitate the process of shipping goods by a shipper via a selected one of a plurality of carriers as recited in independent claim 1.

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The prior art taken alone or in combination failed to teach or suggest at least one supervisory server for integrating operation of the rate server, the rate server having a shipper interface means for defining a set of operations representing the procedure by which the shipper ships goods to thereby isolate the set of operations by which the shipper ships from the rules by which the carrier transports taken in combination with a logistics management system to facilitate the process of shipping goods by a shipper via a carrier as recited in independent claim 13.

The prior art taken alone or in combination failed to teach or suggest a supervisory server, connected to a network through which the rate server and the client application register to establish a mutual message communication capability by which the rate server and the client application thereafter pass messages independently of the supervisory server over an interface between them, the interface isolating the set of rules by which the shipper ships from the rules by which the carrier transports as recited in independent claim 27.

The prior art taken alone or in combination failed to teach or suggest at least one supervisory server for making the operations of the rate server accessible to the client application, the set of operations representing the procedure by which the shipper ships goods to thereby isolate the set of operations by which a ships from the rules by which a carrier transports taken in combination with a logistics management system to facilitate the process of shipping goods by a shipper via a carrier as recited in independent claim 42.

The prior art taken alone or in combination failed to teach or suggest communicating a determined data from the rate server to the client application through an

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interprocess communication mechanism connected to the network and thereby isolating the set of rules by which the shipper ships from the rules by which the carrier transports as recited in independent claim 55.

The prior art taken alone or in combination failed to teach or suggest a supervisor server, connected to a network with which a rate server and a client application register to facilitate communication of messages between the rate server and the client application independently of the supervisory server and an interface for isolating the set of rules by which the shipper ships from the set of rules by which the carrier transports as recited in independent claim 71.

The prior art taken alone or in combination failed to teach or suggest at least one supervisory server including at least one computer configured to provide registration services to facilitate communication between the rate server and the client via a client/server architecture utilizing an interprocess communication mechanism, the communication being independent of the supervisory server whereby the rules by which the user operates are isolated from the set of rules by which carrier delivers as recited in independent claim 86.

The prior art taken alone or in combination failed to teach or suggest a supervisory server and wherein the first and second message handling services enable communication between the at least one client application and the at least one rate server via the network architecture and isolate the set of carrier rules from the set of shipper rules taken in combination with a logistics management system as recited in independent claim 99.



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The prior art taken alone or in combination failed to teach or suggest communicating the determined data from the rate server to the client application through an interprocess communication mechanism connected to a network and thereby isolating the set of rules by which the shipper ships from the rules by which a carrier transports taken in combination with a computer-readable storage medium containing a set of computer-executable instructions for a method for facilitating the process of shipping goods by a shipper via carrier as recited in independent claim 101.

The prior art taken alone or in combination failed to teach or suggest communicating the determined data from the rate server to the client application through an interprocess communication mechanism connected to the network and thereby isolating the set of rules by which the shipper ships from the rules by which the carrier transports taken in combination with a computer-controlled apparatus configured to perform a method for facilitating the process of shipping goods by a shipper via carrier as recited in independent claim 102.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP  
October 21, 2004

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3628